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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10 ANDRE C. SHAW,) CASE NO. CV 10-2811-DDP (PJW)
11)
12 Petitioner,)
13) ORDER ACCEPTING REPORT AND
14 v.) RECOMMENDATION OF UNITED STATES
15) MAGISTRATE JUDGE AND DENYING
16 LELAND MCEWEN, ACTING WARDEN,) CERTIFICATE OF APPEALABILITY
17)
18 Respondent.)
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16 Pursuant to 28 U.S.C. Section 636, the Court has reviewed the
17 Petition, records on file, and the Report and Recommendation of the
18 United States Magistrate Judge. Further, the Court has engaged in a
19 *de novo* review of those portions of the Report to which Petitioner has
20 objected. The Court accepts the findings and recommendation of the
21 Magistrate Judge.

22 Further, for the reasons stated in the Report and
23 Recommendation, the Court finds that Petitioner has not made a
24 substantial showing of the denial of a constitutional right and
25 therefore, a certificate of appealability is denied. See 28 U.S.C.
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§ 2253(c)(2); Fed. R. App. P. 22(b); *Miller-El v. Cockrell*, 537 U.S.
322, 336 (2003).

DATED: May 8, 2012.

A handwritten signature in blue ink, reading "Dean D. Pregerson". The signature is fluid and cursive, with the first name "Dean" and last name "Pregerson" clearly legible.

DEAN D. PREGERSON
UNITED STATES DISTRICT JUDGE